

## CHILDREN OF ISRAEL FRISBIE.

[To accompany Bill H. R. No. 362.]

MARCH 19, 1860.

Mr. DUELL, from the Committee on Revolutionary Claims, made the following

### REPORT.

*The Committee on Revolutionary Claims, to whom was referred the petition of Jerusha Johnson, of Broome county, New York, report:*

That the petitioner, for the aid of herself and the other surviving heirs of Israel Frisbie, deceased, asks for the payment to said heirs of five years' pension, to which Esther Frisbie, deceased, the widow of said Israel, was entitled.

It appears from papers presented that said Israel Frisbie enlisted in the spring of 1775 as a private in a company commanded by Captain Phineas Porter, belonging to General Wooster's regiment, at Waterbury, Connecticut, and served for eight months and until he was honorably discharged; that in the spring of 1776 he again enlisted as a private in a company commanded by Captain John Lewis, belonging to Colonel Douglass' regiment, at Waterbury aforesaid, and served for eight months and until he was honorably discharged in December, 1776. It also appears that he served at different periods during the war of the revolution after December 1776, but the length of time is not proved. It is also shown that he married the said Esther Frisbie (then Esther Tyler) in the month of February, 1793, and that they had several children, and that they lived together until the 8th day of February, 1825, when the said Israel Frisbie died at the town of Spafford, Onondaga county, New York; that the said Esther Frisbie remained his widow up to the time of her death, which occurred June 16, 1842.

Israel Frisbie never received any pension, although it appears that he made application during his lifetime. His widow, the said Esther Frisbie, applied in 1840 at the Pension Office for a pension under the act of July 7, 1838. Her application was suspended for want of proof of the marriage between herself and Israel Frisbie—the testimony of only one witness having been presented with her original application, whereas the rules required at least two where no record evidence exists. She died in 1842, as before stated, and it does not

appear that anything more was done in the case until the year 1852, when two additional affidavits were filed showing the marriage of Israel Frisbie to said Esther Frisbie. The Commissioner of Pensions thereupon wrote to the attorney for the heirs "that more than five years having elapsed since any action was had on, or any additional evidence filed in, the case of Esther Frisbie, the testimony you now produce cannot now be considered, unless accompanied by an affidavit that it was not known to be in existence or could not have been procured at the time of making the original application." The petitioner soon after filed her affidavit, stating, among other things, that the heirs learned for the first time in 1851 the reasons why the Commissioner suspended the case, and that they immediately commenced making inquiries to find further testimony showing the marriage, and succeeded in finding two persons, Lambertson Munson and Susannah Munson, both strangers, who were able to testify to the fact, and that no time was lost in procuring and filing their depositions. The petitioner states positively that she did not know of this testimony, nor that it was necessary, until January, 1851, and she believes her mother to have been ignorant of its existence.

Your committee think that upon the evidence submitted the heirs of Israel Frisbie are entitled to relief. The act of June 7, 1838, gave to the widows of certain revolutionary soldiers an annuity or pension for the term of five years from the 4th day of March, 1836. As Esther Frisbie did not die until 1842, she was entitled at the time of her death to the whole five years' pension at ninety-six dollars per annum; and your committee think that her representatives are entitled to receive that amount. Interest cannot be allowed, for the reason that the delay has not been caused by the fault of the government. To the extent of \$480 the representatives aforesaid are entitled to relief, and the committee accordingly report the accompanying bill.